

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1 and 4 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §§102 AND 103

Claims 1 and 4 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 5,305,296 to Kono;

Claims 2, 3, 5, and 6 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kono in view of U.S. Patent No. 6,987,717 to Hagiwara et al. (hereinafter, merely “Hagiwara”).

- Applicants respectfully ask for reconsideration in view of the additional arguments presented herein.

Claim 1 is representative and recites, *inter alia*:

“searching a test writing area (PCA) for a stand-by position that can be used for an Optimum Power Calibration (OPC) on the optical recording medium, wherein said **searching the test writing area is performed** after the optical recording medium is inserted into the optical recording device and **prior to receiving an input to start a recording operation.**” (emphases added)

As understood by Applicants, *Kono* uses multiple test areas that are associated with respective count areas and data recording areas. The count areas are searched for an available test area, which is used to test the light beam. The associated recording area is used for recording information. Abstract and col. 4, lines 38-62. However, *Kono* does not search the Power Calibration Area (PCA) for a calibration position after insertion of the recording medium and before receiving the start recording operation. *Kono* performs a record operation as: (1) get the instruction to start recording, (2) calibrate using the PCA, and (3) start recording.

In contrast, claim 1 recites, “searching a test writing area (PCA) for a stand-by position that can be used for an OPC (Optimum Power Calibration) . . . after the optical recording medium is inserted into the optical recording device and prior to receiving an input to start a recording operation.” That is, in the invention as claimed in claim 1, after the recording medium is inserted, the test writing area (*i.e.*, PCA: Power Calibration Area) is searched for an area that can be used for an Optimum Power calibration (OPC). The optical pickup is made to stand by at that position. When a recording operation is detected, an OPC operation at the standby position is performed to determine an optimum recording power. Publ. App. pars. [0082]-[0086], and [0094].

The present application is distinguished from *Kono* at least for the reason the test writing area (PCA) in the present application is searched **prior** to receiving the instruction to start

recording and stands-by at that location, whereas in *Kono* the PCA is searched after the instruction to start recording.

Additional Arguments in Response to rejection in the Office Action

The Office Action at page 2, par. 5, points to *Kono*, as disclosing the above recited element of claim 1, stating, “searching a test writing area (Figure 2, step S9: ‘search test area’) . . . wherein said searching the test writing area is performed after the optical recording medium is inserted into the optical recording device (step S1: ‘disc is loaded’) and prior to receiving an input to start a recording operation (step S12; see column 11, lines 6-26: ‘a command to search for a finally recorded position’ . . . ‘a command is issued to search for a predetermined recording starting position in the program area in the optical disc’ . . . ‘start a recording operation process for recording desired information’” This is a misinterpretation of the disclosure of *Kono* Figure 2.

Applicant respectfully points out the Office Action overlooks *Kono* Figure 2, step S5: “Recording Process Requested?” that intercedes between step S1: “Disc is Loaded” and step S9: “Search Test Area.” That is, in *Kono*, the test writing area (PCA) is searched after the disc is load and after the recording process is requested.

As added argument, in steps S4, S5, *Kono* “determines whether . . . a key is pressed, then a step S5 determines whether the pressed key is a key (REC key) for requesting a recording process.” *Kono*, col. 9, lines 25-32. That is, at this point Kono is receiving a start-recording instruction and the test area (TA) of the PCA has not yet been searched, which is performed in step S9 (or, arguably, step S6. But, at *Kono* step S6, if the PCA flag is “on” then the PCA area is searched “where an optimum recording power is to be measured.” *Kono*, col. 9, lines 33-41).

According to *Kono*, “an optimum recording laser beam intensity is measured only immediately prior to a recording process or a recording standby process immediately after the optical disc 1 has been loaded in the apparatus . . . after an optimum recording laser beam intensity is measured in the test area TA of the PCA.” *Kono*, col. 12, lines 45-58. However, as discussed above, the TA of the PCA is **not searched for the location to perform OPC until after an instruction to start recording.**

Thus, in *Kono* the Power Calibration Area (PCA) is not searched for a location to perform optimum power calibration (OPC) until **after** receiving an instruction to start recording. Put another way, the PCA of *Kono* **is not** searched for a position to perform OPC after insertion of the recording medium **and prior** to receiving the instruction to start recording.

Hagiwara does not add the element missing from *Kono*.

In contrast, claim 1 of recites, “**searching the test writing area is performed** after the optical recording medium is inserted into the optical recording device and **prior to receiving an input to start a recording operation.**”

Thus, claim 1 is patentable over *Kono* and *Hagiwara* because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 4 also believed to be patentable.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Paul A. Levy
Reg. No. 45,748
(212) 588-0800